

# Prison Governors Association

Representing: The Prison Governors of the United Kingdom since 1987



**PGA Office:** Room LG.27  
Ministry of Justice  
102 Petty France,  
London, SW1H 9AJ

<b>PGA Officers:</b>	President	Andrea Albutt
	Vice President	Adrian Turner
	Finance Officer	Shaun Williamson
	National Officers	Mitch Albutt Carl Davies

Telephone: 020 3334 0456

Email: [james.bryant01@justice.gov.uk](mailto:james.bryant01@justice.gov.uk)

Website: [www.prison-governors-association.org.uk](http://www.prison-governors-association.org.uk)

Twitter: @PGA\_Prisons

## Bulletin 764

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Dear Colleagues,

### Civil Service Pensions Update

A series of preliminary hearings have and are still being held to seek a remedy to the public sector pension issue. As stated previously this is fiendishly complex, however some of these preliminary hearings are starting to shape what the remedy may look like.

The Government accepts that the rules that required members to change pension schemes in 2015 were unlawful and that these rules will need to be amended. However, this will take time.

Also some immediate action is appropriate for individuals who are currently and have recently left the service to enable them to receive the benefits they are entitled too (however the full remedy is yet to be concluded).

### **Immediate action**

Members who have applied to retire early on the grounds of ill health might have applied for an ill health pension and not succeeded because the pre 2015 pension rules were not applied. It might also mean that some members might have retired on ill health grounds but their pension is smaller than it should be. Once the declaration has been made HMPPS will have to re-examine the ill health applications they have dealt with since 31 March 2015. If any member is worse off because the wrong scheme rules were applied then their benefits may have to be improved retrospectively. Any new applications should be dealt with under the terms of the correct scheme.

If you are going through the ill health retirement process at the moment then you can insist that the pre 2015 scheme rules are applied if you were a member of the pre 2015 scheme and it provides a better outcome for you.

If you have recently retired on the grounds of ill-health then you should tell the employer that you want your case reconsidered.

If you were a member of the pre 2015 scheme, when you reach the age that you could have retired under old scheme rules, you should consider whether you want to do so now. If you do then tell the employer and tell them that you want to retire under the terms of the pre 2015 scheme.

There is also the issue of possible compensation to members for the “injury to feelings” experienced during this illegal action by Government, however this is likely to be robustly resisted by Government. We will take legal advice as to how best to proceed regarding this issue.

The Government will be required to make a declaration which in our case is likely to be: “All members who did not satisfy the age based requirements for full protection are entitled to be treated as if they did satisfy them”. That would mean that all members of the Principle Civil Service Pension Scheme who were in service on 31 March 2012 would be entitled to be treated as if they had never left.

The Alpha pension scheme accrues at a greater rate so individual members will need to use the pension web site or take individual advice to determine the best financial position for their unique circumstances. The Government has stated that no one should be worse off as a consequence of unravelling the 2015 changes.

We are yet to understand what the solution will be for members who have paid extra into their pensions to retire earlier or indeed the increase in pension contributions applied to all members when we changed to the Alpha pension scheme.

The 2019 November “McCloud” (pension) meeting was postponed due to the General Election but this is due to take place this month so once I have attended this I will issue another bulletin with any updates.

Mitch Albutt